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FISCAL IMPACT STATEMENT

LS 6841

BILL NUMBER: SB 357

NOTE PREPARED: Jan 6, 2006

BILL AMENDED:

SUBJECT: Juvenile Waiver of Counsel.

FIRST AUTHOR: Sen. Howard

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that a child may not waive counsel unless certain criteria are met. It provides that if a child waives counsel, the court shall appoint standby counsel for the child and offer the child counsel at each later stage of a court proceeding.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill is estimated to result in added costs to counties of approximately \$350,000.

Under current law, juveniles who are defendants in CHINS status or delinquency cases may waive their rights to counsel in one of three ways:

1. an attorney retained or appointed for the juvenile knowingly and voluntarily joins in the waiver.
2. by the juvenile's parent, guardian, custodian or guardian ad litem.
3. by the juvenile if the juvenile is married or has been emancipated.

As proposed, the court would incur additional costs since:

- all juveniles would be required to have an attorney at the beginning of a case;

- the court would need to conduct an inquiry; and
- if the court waives the juvenile's right to counsel, the court shall appoint standby counsel for the juvenile.

The added costs associated with this bill will depend on how many additional hearings the courts would have to hold and the additional attorneys that the courts would have to appoint. The *Indiana Judicial Report* indicates that juveniles waived their right to counsel in 2,123 and 2,335 cases respectively in 2003 and 2004. Assuming that one attorney would be paid two hours work for each case at \$75 per hour, the added costs to the courts would be \$350,250.

Estimated Cost for Providing Legal Representation for Juveniles Represented as Pro Se					
Number of Cases		Estimated Attorney Hours per Case		Cost Per Hour	Estimated Cost
2,335	x	2	x	\$75	= \$350,250

Background: The *Indiana Judicial Report* provides the following information on the number of cases reported by courts where juveniles were offered an attorney at a hearing and the juvenile refused and acted on his or her own behalf.

Reported Cases Where Juveniles Waived Their Right to Counsel				
	CY 2003		CY 2004	
	When Juvenile Refused Attorney	Percent of All Cases Disposed	When Juvenile Refused Attorney	Percent of All Cases Disposed
Chins	397	5.5%	515	6.1%
Delinquency	1,405	5.5%	1,524	6.5%
Status	321	5.1%	296	5.1%
Total	2,123	5.5%	2,335	6.2%

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial Courts.

Information Sources: 2003 and 2004 *Indiana Judicial Reports*.

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